

Docket No. DE 2309.02 US
USSN: 09/855,003

PATENT
Art Unit: 2653

REMARKS

Claims 1-11 and 13-25 are pending in the present application.

This Amendment is in response to the Office Action mailed June 4, 2004. In the Office Action, the Examiner objected to claim 6 because of its Informalities, rejected claims 1-11 and 13-25 under 35 U.S.C. § 102(b). Applicant has amended claims 1, 6, 11, 14, 17, 19, 20, 21 and 23-24, and added claim 25. Applicant submits that the newly added claim 25 does not introduce new matter. Reconsideration in lights of the amendment and remarks made herein is respectfully requested.

I. CLAIM OBJECTION

In the Office Action, the examiner objected to claim 6 because of its informalities. In response, Applicant has amended the claim according.

Therefore, Applicant respectfully requests the objection to claim 6 be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-11, 13-20 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,541,899 issued to Kume et al. ("Kume"). The Examiner also rejected claims 21, 22 and 24 under 35 U.S. C. § 102(b) as being anticipated by U.S. Patent No. 5,105,408 issued to Lee et al. ("Lee"). Applicant respectfully traverses the rejections for the following reasons.

Kume discloses yokes 16a and 16b (Figure 2). The yokes 16a and 16b are secured to the supporting member 12 at inside edge portions 16_{a1} and 16_{b1} (Col.

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4, lines 10-11). The yokes 16a and 16b, however, are not the same are the one or more movable yokes as in the claimed invention. As disclosed in Kume, the supporting member 12 is not a movable member (Col. 3, lines 45-47). The movable member Kume is the supporting member 13 wherein this supporting member 13 does not include a yoke assembly that includes one or more movable yokes.

Kume does not disclose, suggest, or render obvious a movable element having a yoke assembly wherein the yoke assembly includes one or more movable yokes

Lee discloses an optical head with flying lens. A micro-objective lens is carried on an air bearing slider with an optical passage through which the lens focuses an energy beam onto a spot on an optical data storage medium. The slider accomplishes automatic focusing. Unlike the present invention, nowhere in Lee that discloses a movable element having a yoke assembly wherein the yoke assembly includes one or more movable yokes.

Lee does not disclose, suggest, or render obvious a movable element having a yoke assembly wherein the yoke assembly includes one or more movable yokes.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920

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(Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Kume and/or Lee that teaches a movable element having a yoke assembly wherein the yoke assembly includes one or more movable yokes.

Kume and Lee, taken alone or in any combination, do not disclose, suggest, or render obvious a movable element having a yoke assembly wherein the yoke assembly includes one or more movable yokes.

Since the Examiner has failed to show the identical invention in as complete detail as is contained in the claim, the rejection under 35 U.S.C. §102(b) was improperly made. Therefore, Applicant respectfully requests that rejection be withdrawn.

Therefore, Applicant believes that independent claims 14, 17, 19, 20, 21, 23, and 24 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b).

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CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: September 2, 2004



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